

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:10-00208-02

MATTHEW L. HUMPHRIES

PROBATION REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On March 15, 2012, the United States of America appeared by Thomas C. Ryan, Assistant United States Attorney, and the defendant, Matthew L. Humphries, appeared in person and by his counsel, Carl J. Roncaglione, Jr., for a hearing on the petition on probation submitted by United States Probation Officer Troy A. Lanham, the defendant having commenced a five-year term of probation in this action on June 15, 2011, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on June 21, 2011.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of probation in the following respects: (1) that the defendant used and possessed morphine without a prescription as evidenced by a positive urine specimen submitted by him on August 22, 2011, and his admission that date that he purchased and possessed morphine; (2) that the defendant failed to follow the instructions of the probation officer and violated his home confinement by not returning home and going to an unauthorized location on June 24 and 26, 2011; (3) that the defendant failed to report for scheduled urinalysis on June 27, 2011; (4) that the defendant failed to abide by the special condition that he spend a period of six months in a community confinement center inasmuch as he entered Dismas Charities on July 22, 2011, and on September 23, 2011, was terminated from the program for multiple rule violations resulting in four written warnings, fifteen formal disciplinary reports and numerous verbal warnings; all as admitted by the defendant on the record of the hearing and as set forth in the petition on probation.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of probation and, further, that it would unduly depreciate the seriousness of the violations if probation were not revoked, it is ORDERED that the probation previously imposed upon the defendant in this action be, and it hereby is, revoked.

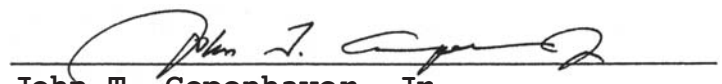
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TEN (10) MONTHS, to be followed by a term of three (3) years of supervised release upon the standard conditions of probation now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that he make himself available for substance abuse

treatment and treatment for diabetes as found appropriate by the probation officer. The restitution balance of \$1,030 and \$1,000 fine are hereby reimposed and the defendant shall pay \$50 toward the restitution and fine beginning two months after the term of supervised release herein imposed commences with payment due on the first day of each month until paid in full.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: March 23, 2012


John T. Copenhaver, Jr.
United States District Judge